

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Nano-Write Corporation,

*Plaintiff,*

v.

Bio-CAM, LC,

*Applicant.*

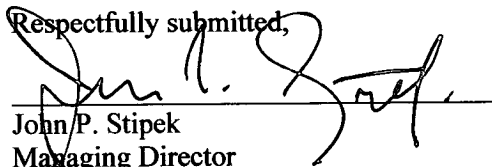
Case No. 91168158

TTAB

**BIO-CAM'S MOTION FOR INVOLUNTARY DISMISSAL**

In accord with Nano-Write Corporation's failure to file testimony within the 30-day testimony period ending October 29, 2006 and no evidence other than copies of Patent and Trademark Office records has been offered by any party in the position of plaintiff, Bio-CAM respectfully moves that the Board render judgment for dismissal of Case No. 91168158.

Respectfully submitted,

  
John P. Stipek

Managing Director

Bio-CAM, LC

5651 Corporate Way, Suite 4

West Palm Beach, Florida 33407

Tel: (561)329-7039

*Pro Personai*

**Certificate of Service**

The undersigned hereby certifies that true and correct copies of the foregoing motion and supporting brief were served by overnight courier to counsel of record for plaintiff:

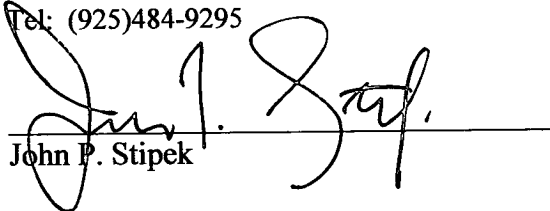
Mark Lauer

6601 Koll Center Parkway, Suite 245

Pleasanton, California 94566

Tel: (925)484-9295

this 17th day of November, 2006.

  
John P. Stipek



**BRIEF IN SUPPORT OF MOTION TO DISMISS CASE**

John P. Stipek  
Managing Director  
Bio-CAM, LC  
5651 Corporate Way, Suite 4  
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(561) 333-6651  
*Pro Personai*

**ARGUMENT**

**BY REASON OF NANO-WRITE CORPORATION'S FAILURE TO FILE TESTIMONY  
WITHIN THE 30-DAY TESTIMONY PERIOD ENDING OCTOBER 29, 2006 AND NO  
EVIDENCE OTHER THAN COPIES OF PATENT AND TRADEMARK OFFICE  
RECORDS HAS BEEN OFFERED BY ANY PARTY IN POSITION OF PLAINTIFF,  
BOARD IS REQUESTED TO DISMISS CASE NO. 9116858 BY REASON OF FAILURE OF  
PLAINTIFF TO PROSECUTE.**

(a) On April 5, 2006 the Board issued a Scheduling Order giving the party in position of Plaintiff until October 29, 2006 to take testimony. To date according to our records, knowledge and belief, no testimony has been filed nor has the party in position of Plaintiff filed a motion to extend its times to file testimony.

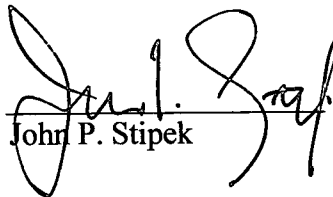
(b) The party in position of plaintiff has offered no evidence other than copies of Patent and Trademark Office records.

(c) Thus, the Defendant requests, pursuant to 37 CFR 2.132 (b), that the Board render judgment against the party in position of Plaintiff, dismissing Case No. 91168158 on the ground that upon the law and the facts the party in position of Plaintiff has shown no right to relief.

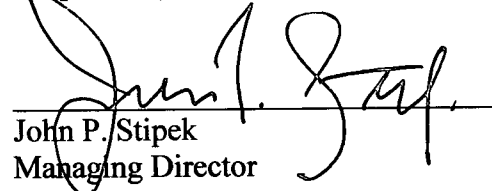
CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the DHL express "Next Day" service in an envelope addressed to: Trademark Trial and Appeal Board, Trademark Assistance Center, Madison East, Concourse Level Room C-55, 600 Dulany Street, Arlington, Virginia 22314, Tel: (571)272-9250, on November 17, 2006.

Date: Nov 17 '06

  
John P. Stipek

Respectfully submitted,

  
John P. Stipek  
Managing Director  
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